

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

k TECHNOLOGY CORPORATION,

Plaintiff,

V.

METAL MATRIX CAST COMPOSITES, LLC,

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff k Technology Corporation (“kTC”) states a complaint for patent infringement of as follows:

THE PARTIES

1. Plaintiff k Technology Corporation is a corporation organized under the law of the Commonwealth of Pennsylvania with a principal place of business at 110 Gibraltar Road, Horsham, PA 19044-2302.

2. Upon information and belief, Defendant Metal Matrix Composites, LLC (“MMCC”) is a limited liability company organized under Delaware law. MMCC’s principal place of business is at 101 Clematis Ave, Unit #1, Waltham, MA 02453.

JURISDICTION

3. This is an action for patent infringement brought under 35 U.S.C. §§ 271, 281, 283, 284 and 285 over which this court has subject matter jurisdiction.

4. On information and belief, defendant MMCC is incorporated in Delaware and, therefore, is a resident therein. This court has personal jurisdiction over MMCC.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c), and 1400(a) and (b).

GENERAL ALLEGATIONS

6. kTC is a company which, *inter alia*, manufactures products for cooling high power density electronic packaging and other applications that requiring high performance heat transfer.

7. kTC is the owner of United States Patent No. 5,296,310 ("the '310 patent") entitled "High Conductivity Hydrid Material for Thermal Management" which duly and lawfully issued on March 22, 1994. A true and correct copy of the '310 patent is attached as exhibit "A" hereto.

8. Upon information and belief, MMCC has been and continues to manufacture, sell, and/or offer to sell products that infringe the '310 patent including, but not limited to, certain configurations of MMCC's MetGraf™ composite.

9. Upon information and belief, MMCC's infringement of the '310 patent is willful and deliberate.

COUNT I

PATENT INFRINGEMENT

10. kTC incorporates the allegations of paragraphs 1-9 in full as if they were originally set forth herein.

11. Upon information and belief, MMCC has infringed and continues to infringe one or more of the claims of kTC's U.S. Pat. 5,296,310.

12. MMCC's infringement of the '310 patent has caused and continues to cause harm to kTC.

13. MMCC, with full knowledge of the '310 patent, willfully and wantonly continues to infringe the '310 patent.

14. kTC has been damaged by the acts of infringement complained of herein.

15. The infringement by MMCC of kTC's '310 patent has deprived, and/or will deprive, kTC of sales which it otherwise would have made and has in other respects injured kTC and will cause kTC added injury and loss of profits unless enjoined by the Court.

16. By its infringement of the '310 patent, MMCC is causing harm to kTC for which kTC has no adequate remedy at law.

17. This case is "exceptional" within the meaning of 35 U.S.C. § 285.

PRAYER FOR RELIEF:

WHEREUPON, plaintiff k Technology Corporation prays for relief as follows. This Court should:

- (A) Enter judgment for kTC and against MMCC for patent infringement, including a finding that such infringement is willful;
- (B) Order MMCC to pay damages for its patent infringement;
- (C) Enter judgment that this is an exceptional case under 35 U.S.C. § 285 and order that the patent damages be enhanced up to three times for willful infringement, and that MMCC shall pay kTC's costs and attorneys' fees;
- (D) Enjoin MMCC from continued infringement of the '310 patent;
- (E) Order such other relief that the Court determines to be just and proper.

JURY DEMAND

Plaintiff k-Technology Corporation requests a jury trial.

k-TECHNOLOGY CORPORATION



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